

JUDD BURSTEIN, P.C.
ATTORNEYS AT LAW

JUDD BURSTEIN
PETER B. SCHALK*

MATTHEW G. DEOREO**
ALEXANDER M. LEVY
JEREMY M. ATTIE

*ALSO ADMITTED IN NEW JERSEY
**ALSO ADMITTED IN CONNECTICUT

1790 BROADWAY
NEW YORK, NEW YORK 10019
(212) 974-2400
FAX: (212) 974-2944

July 28, 2010

BY ECF

Hon. Michael L. Orenstein
United States Magistrate Judge
Eastern District of New York
100 Federal Plaza
U.S. Courthouse
Central Islip, New York 11722

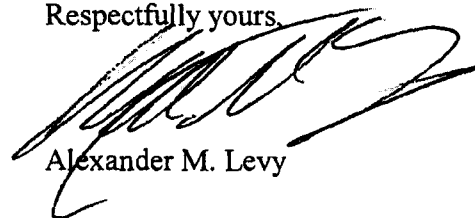
Re: *Allen v. Devine et al. / Civil Case No. 09-CV-0668 (ADS) (MLO)*

Dear Magistrate Judge Orenstein:

I am associated with Judd Burstein, P.C., attorneys for Defendants Richard Davis and Excelsior Capital, LLC (collectively the "Davis Defendants"). By Memorandum of Decision and Order dated July 24, 2010, the Honorable Arthur D. Spatt dismissed the Davis Defendants from the above-referenced action. Accordingly, I write to inquire whether my appearance, on behalf of the Davis Defendants, is still required at the status conference presently scheduled for August 4, 2010, before Your Honor.

Thank you for your consideration in this matter.

Respectfully yours,



Alexander M. Levy

cc: All counsel of record (by ECF)

7/29/10
If the Davis defendants have
been dismissed by the court, there is
no need for counsel to appear on their
behalf unless they are subject to a
surviving defendants cross-claim.
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